

# **EXHIBIT B**



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UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,  
  
Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S OBJECTIONS  
AND RESPONSES TO WAYMO'S  
SECOND SET OF REQUESTS FOR  
PRODUCTION RELATING TO  
ISSUES IN JACOBS LETTER  
(NOS. 41-42)**

Trial Date: February 5, 2018



1 In accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure, and pursuant  
 2 to the orders of the Court, Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively  
 3 “Defendants”) object and respond to Plaintiff Waymo LLC’s (“Plaintiff”) Requests for  
 4 Production to Defendants Relating to Issues in Jacobs Letter, served at 2:49 p.m., on  
 5 December 8, 2017 (as appropriate, “Requests for Production,” “Requests,” or “Request”).

### 6 **GENERAL OBJECTIONS**

7 Defendants make the following general objections (“General Objections”) to each  
 8 definition, instruction, and request propounded in Plaintiff’s Requests for Production. These  
 9 General Objections are hereby incorporated into each specific response. The assertion of the  
 10 same, similar or additional objections or partial responses to the individual requests does not  
 11 waive any of Defendants’ General Objections.

12 1. Defendants object to each Request, Definition, or Instruction to the extent it seeks  
 13 or purports to impose obligations beyond or inconsistent with those imposed by the Federal Rules  
 14 of Civil Procedure, Federal Rules of Evidence, or the applicable rules and orders of this Court. In  
 15 particular, but without limitation, Defendants object that the purported deadline for responding to  
 16 the Requests is inconsistent with the Federal Rules of Civil Procedure and is unreasonable and  
 17 unduly burdensome.

18 2. Nothing in these responses is an admission by Defendants of the existence,  
 19 relevance, or admissibility of any information, for any purpose. Defendants reserve all objections  
 20 as to competency, relevance, materiality, privilege, or admissibility related to the use of their  
 21 responses and any document or thing identified in their responses as evidence for any purpose  
 22 whatsoever in any subsequent proceeding in this action or any other action.

23 3. Defendants object to each Request to the extent that it is overbroad and not  
 24 proportional to the needs of the case, considering the importance of the issues in the action, the  
 25 amount in controversy, the parties’ relative access to relevant information, the parties’ resources,  
 26 the importance of the discovery in resolving the issues, and whether the burden or expense of the  
 27 proposed discovery outweighs its likely benefit.

28 4. Defendants object to each Request to the extent it seeks a response from persons or



1 entities that are not parties to the lawsuit and over whom Defendants have no control. Defendants  
2 respond to the Requests on Defendants' own behalf.

3 5. To the extent any Request, Instruction, or Definition may be construed as calling  
4 for disclosure of information subject to the attorney-client privilege, work product immunity,  
5 joint defense or common interest, or any other applicable privilege or protection, Defendants  
6 hereby claim such privileges and immunities and object on such grounds. Defendants do not  
7 waive, intentionally or otherwise, any attorney-client privilege, work-product immunity, joint  
8 defense or common-interest privilege or any other privilege, immunity, or other protection that  
9 may be asserted to protect information from disclosure.

10 8. Defendants object to the Requests to the extent that they are compound, complex  
11 and contain multiple subparts.

12 9. Defendants object to the definitions of "WAYMO" and "GOOGLE" as overbroad,  
13 vague, and ambiguous because Defendants do not know, for example, all "current and former  
14 employees, counsel, agents, consultants, representatives, and any other persons acting on behalf  
15 of" each entity.

16 10. Defendants object to the definition of "UBER" as overbroad, circular, and  
17 indecipherable in purporting to include all "officers, directors, current and former employees,  
18 counsel, agents, consultants, representatives, and any other persons acting on behalf of any of the  
19 foregoing," and all "affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns,  
20 predecessors and successors in interest, and any other legal entities, whether foreign or domestic,  
21 that are owned or controlled by UBER, and all predecessors and successors interest to such  
22 entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole or in  
23 part by UBER." Uber responds to these Requests on its own behalf.

24 11. Defendants object to the definition of "OTTOMOTTO" as overbroad, circular, and  
25 indecipherable in purporting to include all "officers, directors, current and former employees,  
26 counsel, agents, consultants, representatives, and any other persons acting on behalf of any of the  
27 foregoing," and all "affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns,  
28 predecessors and successors in interest, and any other legal entities, whether foreign or domestic,



1 that are owned or controlled by OTTOMOTTO, and all predecessors and successors interest to  
 2 such entities, and any entity owned in whole or in part by, affiliated with, or controlled in whole  
 3 or in part by OTTOMOTTO.” Ottomotto responds to these Requests on its own behalf.

4 12. Defendants object to the definitions of “DOCUMENTS” AND  
 5 “COMMUNICATIONS” to the extent they are overbroad, not reasonably particularized, and seek  
 6 or purport to impose obligations beyond or inconsistent with those imposed by the Federal Rules  
 7 of Civil Procedure, Federal Rules of Evidence, or the applicable rules and orders of this Court,  
 8 including in seeking material that is not reasonably accessible.

9 13. Defendants object to the definitions of “REGARDING” as overbroad and not  
 10 reasonably particularized.

11 14. Defendants object to Instruction No. 1 as overbroad, unduly burdensome, and not  
 12 proportional to the needs of the case to the extent it purports to impose duties greater than those  
 13 set forth in the Federal Rules and the Court’s orders, including to the extent it purports to require  
 14 the production of documents or information not in the Defendants’ possession, custody, or  
 15 control.

16 15. Defendants object to Instruction Nos. 2 and 4 through 7 as overbroad, unduly  
 17 burdensome, and not proportional to the needs of the case to the extent they purport to impose  
 18 duties greater than those set forth in the Federal Rules and the Court’s orders.

19 16. Defendants object to Instruction No. 8 as overbroad, unduly burdensome, and not  
 20 proportional to the needs of the case to the extent it purports to impose duties greater than those  
 21 set forth in the Federal Rules and the Court’s orders.

22 17. Defendants object to Instruction No. 9 as overbroad, unduly burdensome, and not  
 23 proportional to the needs of the case to the extent it purports to impose duties greater than those  
 24 set forth in the Court’s Supplemental Order and the Federal Rules of Civil Procedure.

25 18. Defendants object to the proposed Definitions because they violate the rules of  
 26 grammar and create nonsensical and unintelligible Requests. Defendants will respond to each  
 27 Request by applying the normal rules of grammar and generally-accepted meanings of undefined  
 28 terms.



1 Subject to and without waiving its General Objections, Defendants object and respond to  
2 the Requests as follow:

3 **SPECIFIC OBJECTIONS AND RESPONSES**

4 **REQUEST FOR PRODUCTION NO. 41:**

5 All DOCUMENTS and COMMUNICATIONS REGARDING any decision by UBER to  
6 stop using Wickr, Telegram or any other ephemeral communications system, including but not  
7 limited to the decision referenced in Dara Khosrowshahi's tweet at 9:58 AM on November 29,  
8 2017: "True that Wickr, Telegram were used often at Uber when I came in. As of Sept 27th I  
9 directed my teams NOT to use such Apps when discussing Uber-related business."  
10 (<https://twitter.com/dkhos/status/935930977196548096>).

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

12 Defendants will produce responsive, non-privileged documents, to the extent they exist,  
13 within the custody, possession, or control of Defendants located through a reasonably diligent  
14 search in view of the extraordinarily expedited schedule for supplemental discovery.

15 Defendants object that they were provided two business days to identify, collect, and  
16 produce documents responsive to Waymo's additional document requests. Any production that is  
17 made and all searches performed are limited to what is possible to do in such a short amount of  
18 time. Defendants further object to this Request to the extent that it seeks information protected by  
19 the attorney-client privilege or the work product doctrine or that is otherwise privileged or  
20 protected from discovery. Defendants further object to this Request as irrelevant, overbroad, not  
21 reasonably particular, and not proportional to the needs of the case to the extent that it seeks  
22 "ALL DOCUMENTS and COMMUNICATIONS REGARDING any decision . . . ." Defendants  
23 further object to this Request as irrelevant, overbroad, and not proportional to the needs of the  
24 case to the extent that it seeks documents relating to subjects that have nothing to do with the  
25 JACOBS LETTER or the allegations of trade secret misappropriation at issue in this case.  
26 Defendants further object to this Request as vague and confusing with regard to the undefined  
27 terms "stop using," and "any other ephemeral communications system." Defendants further  
28 object to this Request to the extent it seeks information not within Defendants' possession,



1 custody, or control and not kept by Defendants in the ordinary course of business. Defendants  
 2 further object to this Request because it is not limited in time, and will produce information from  
 3 a reasonable time period as it relates to this case and the specific issues that are the focus of this  
 4 Request.

5 **REQUEST FOR PRODUCTION NO. 42:**

6 All DOCUMENTS and COMMUNICATIONS REGARDING policies, instructions,  
 7 advice, or guidance provided to OTTOMOTTO employees, or any person acting on behalf of  
 8 UBER or OTTOMOTTO REGARDING methods or strategies to decrease the probability that  
 9 documents are discoverable in litigation or government investigations.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

11 After a reasonably diligent search in view of the extraordinarily expedited schedule for  
 12 supplemental discovery, Defendants have found no responsive documents.

13 Defendants object that they were provided two business days to identify, collect, and  
 14 produce documents responsive to Waymo's additional document requests, if any. Any  
 15 production that is made and all searches performed are limited to what is possible to do in such a  
 16 short amount of time. Defendants further object to this Request to the extent that it seeks  
 17 information protected by the attorney-client privilege or the work product doctrine or that is  
 18 otherwise privileged or protected from discovery. Defendants further object to this Request as  
 19 irrelevant, overbroad, not reasonably particular, and not proportional to the needs of the case to  
 20 the extent that it seeks "ALL DOCUMENTS and COMMUNICATIONS REGARDING . . . ."  
 21 Defendants further object to this Request as irrelevant, overbroad, and not proportional to the  
 22 needs of the case to the extent that it seeks documents relating to subjects that have nothing to do  
 23 with the JACOBS LETTER or the allegations of trade secret misappropriation at issue in this  
 24 case. Defendants further object to this Request as vague and confusing with regard to the  
 25 undefined terms "policies," "instructions," "advice," "guidance," "provided to," "employees,"  
 26 "any person acting on behalf of," "methods," "strategies," and "decrease the probability that  
 27 documents are discoverable in litigation or governmental investigations." Defendants further  
 28 object to this Request to the extent it seeks information not within Defendants' possession,



1 custody, or control and not kept by Defendants in the ordinary course of business. Defendants  
2 further object to this Request because it is not limited in time, and will produce information from  
3 a reasonable time period as it relates to this case and the specific issues that are the focus of this  
4 Request.

5  
6 Dated: December 12, 2017

MORRISON & FOERSTER LLP

7  
8 By: /s/ Arturo J. González

ARTURO J. GONZÁLEZ

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10 Attorneys for Defendants  
11 UBER TECHNOLOGIES, INC.  
12 and OTTOMOTTO LLC  
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**CERTIFICATE OF SERVICE**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 755 Page Mill Road, Palo Alto, CA 94304-1018. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on December 12, 2017, I served a true and correct copy of:

**DEFENDANTS UBER TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S OBJECTIONS AND RESPONSES TO  
WAYMO'S SECOND SET OF REQUESTS FOR  
PRODUCTION RELATING TO ISSUES IN JACOBS  
LETTER (NOS. 41-42)**

☒ **BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

Recipient	Email Address:
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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed at Palo Alto, California, this 12th day of December, 2017.

3  
4  
5 Ethel Villegas  
(typed)

/s/ *Ethel Villegas*  
(signature)